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**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:  
Philip E. Thorpe and Sophia Ran

Serial No.: 09/998,833

Filed: November 30, 2001

For: Combined Cancer Treatment Methods Using  
Antibodies to Aminophospholipids (As  
Amended)

Group Art Unit: 1642

Examiner: Fetterolf, B.

Atty. Dkt. No.: 4001.002299

*See applied  
only*

**CERTIFICATE OF MAILING  
37 C.F.R. § 1.8**

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May 16, 2006  
Date

*[Signature]*  
Shelley P.M. Fussey

**AMENDMENT; AND RESPONSE TO THIRD  
AND NON-FINAL OFFICE ACTION DATED NOVEMBER 16, 2005**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The Examiner is respectfully requested to enter the following amendments. A response to the third and non-final Official Action dated November 16, 2005 ("the third Action") is also submitted and the Examiner is respectfully requested to consider the remarks therein. The response is timely filed with a petition for extension of time and the appropriate fee. The response and accompanying documents confirm allowance of all claims and re-examination and reconsideration is respectfully requested on this basis.

which the new citation of Nicolotti also fails to rectify. In particular, none of Fishman, Holash, Hudziak or Hillman, even if combined with Nicolotti, teach or suggest tumor treatment using an antibody to bind to tumor blood vessels, let alone tumor treatment using an antibody fragment that binds to an aminophospholipid on the luminal surface of blood vessels of a vascularized tumor, or combinations of such treatments. In contrast, the art teaches away from the claimed invention.

Certain claims also further distinguish over the cited combination, even including Nicolotti, for various additional reasons, as set forth above.


The fourth new § 103(a) rejection is thus either moot or overcome, and should therefore be withdrawn.

#### **XIV. Conclusion**

This is a complete response to the referenced Official Action. In conclusion, Applicants submit that, in light of the foregoing remarks and accompanying documents, the present claims are in condition for allowance. Should Examiner Fetterolf have any questions or comments, a telephone call to the undersigned Applicants' representative is earnestly solicited.

Respectfully submitted,

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Date: May 16, 2006